

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

DEMOND D. LILES,

Plaintiff,

v.

TOM SCHWEITZER,

Defendant.

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CASE NO. 3:17-cv-02232

ORDER

[Resolving Docs. [21](#), [22](#) & [27](#)]

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

Petitioner Demond D. Liles seeks a writ of habeas corpus under 28 U.S.C. § 2254. Liles first filed this petition on October 20, 2017. On March 11, 2021, this Court dismissed Liles' petition without prejudice to allow Liles to exhaust state-court remedies.¹ On August 16, 2021, the Court granted Liles's motion to reopen and stay this action pending state-court exhaustion.²

On February 20, 2023, Petitioner Liles asked the Court to lift the stay and reactivate the case. Liles also sought permission to expand the record and to file an amended petition.³ The Court referred this matter to Magistrate Judge Jennifer Dowdell Armstrong.

On April 26, 2023, Magistrate Judge Armstrong issued a Report and Recommendation that the Court grant Liles's motion to lift the stay, reactivate the case, and expand the record.⁴ Magistrate Judge Armstrong further recommended that the Court grant in part and deny in part Liles's motion to file an amended petition. Neither party objected.

¹ Doc. [17](#).

² Doc. [19](#).

³ Docs. [21](#) & [22](#).

⁴ Doc. [27](#).

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This Court reviews de novo only of those portions of a report and recommendation to which the parties have made an objection.⁵ If no party objects to a report and recommendation, a district court may adopt it without review.⁶ Nevertheless, the Court conducted its own review and agrees with the Report and Recommendation.

Accordingly, the Court **ADOPTS** Magistrate Judge Armstrong's Report and Recommendation and incorporates it as if fully restated here. The Court **GRANTS** Petitioner Liles's Motion to Expand the Record and to Reactivate Case and Lift the Stay and **GRANTS IN PART** and **DENIES IN PART** Petitioner Liles's Motion for Leave to File Amended Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2254.

IT IS SO ORDERED.

Dated: June 2, 2023

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁵ 28 U.S.C. § 636(b)(1)(C).

⁶ Thomas v. Arn, 474 U.S. 140, 145 (1985); United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981).